IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3968 of 2007()

CRIME NO.118 OF 2007 OF S.H.O.KUTHUPARAMBA

: PETITIONER

SHAMEEL T.P., S/O. KUNHIMAYAN (LATE),
AGED 29 YEARS, PLANTER, SAEED MANZIL,
PAZHAYANIRATHU, KUTHUPARAMBA P.O.,
THALASSERY TALUK.

BY ADV. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(S.H.O. KUTHUPARAMBA).

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3968 of 2007

Dated this the 2nd day of July 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Section 498A I.P.C. The alleged incident took place on 07/05/2007. The petitioner, along with his wife, the defacto complainant, had allegedly gone to attend a wedding. There, he is alleged to have beaten her. The marriage took place on 03/08/2003. The spouses are blessed with a child of tender years. Crime has been registered on the basis of a complaint referred under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioner in the facts and circumstances of this case. In coming to this conclusion, the reality that arrest and incarceration of the petitioner is likely to mar all possibilities of re-conciliation of the marriage does weigh with me considerably. Appropriate conditions can, of course, be imposed for a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. The following directions are issued under Section 438 Cr.P.C.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 09/07/2007.

ii) He shall be released on regular bail on condition that he executes bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 10/07/2007 and 11/07/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he was arrested prior to 09/07/2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 09/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007